

INDIANA BOARD OF PHARMACY

Indiana Professional Licensing Agency

Conference Center Room W064

402 W. Washington St.

Indianapolis, IN 46204

MINUTES OF the July 13, 2009 Board Meeting

I. CALL TO ORDER & ESTABLISHMENT OF QUORUM

President and Presiding Officer Del T. Fanning called the meeting to order at 8:40 a.m. in Conference Center Room C of the Indiana Government Center-South, 402 West Washington Street, Indianapolis, Indiana 46204, and declared a quorum, in accordance with IC § 25-26-13-3.

Board Members Present:

Del T. Fanning, R.Ph., President

Lora N. R. Williams, JD, Vice President (*Consumer Member*)

Steven Anderson, R.Ph., Member

William J. Cover, R.Ph., Member

Winnie Landis, R.Ph., Member

Sara St. Angelo, PharmD., R.Ph., Member

Donna S. Wall, PharmD., R.Ph., Member

Board Members not in attendance:

None

State Officials Present:

Phil Wickizer, Board Director, Indiana Professional Licensing Agency

Amy Phillips, Assistant Director, Indiana Professional Licensing Agency

Kyle McClurg, Litigation Specialist, Indiana Professional Licensing Agency

Jennifer Baumgartner, R.Ph., Compliance Officer, Indiana Professional Licensing Agency

Zaneta Nunnally, Compliance Officer, Indiana Professional Licensing Agency

Eric Percy, Compliance Officer, Indiana Professional Licensing Agency

Tim Thomas, Compliance Officer, Indiana Professional Licensing Agency

Gordon White, Board Advisory Counsel, Office of the Attorney General

II. PLEDGE OF ALLEGIANCE

No flag available in Conference Room C.

III. ADOPTION OF THE AGENDA

A motion was made by Member Landis and seconded by Member Wall to adopt the agenda. Motion passed 6-0-0 (Member Anderson was not present at the time of the vote).

III. ADOPTION OF MINUTES FROM PREVIOUS MEETING

A motion was made by Member Cover and seconded by Member St.Angelo to adopt the June 8, 2009 Minutes with corrections. Motion passed 6-0-0 (Member Anderson was not present at the time of the vote).

IV. PROBATIONARY APPEARANCES

Probationary appearances were conducted by the Compliance Officers in Room W064 starting at 7AM and concluding at approximately 9AM.

- A motion was made by Member Williams and seconded by Member Cover to approve the following probationary appearances:

Ashcraft, Jason
Davis, Tracy
Fisher, Patricia
Hine, Edward
Koszut, David
Lindstrom, Charles

MOTION CARRIED: 6-0-0 (Member Anderson was not present at the time of the vote)

- A motion was made by Member Landis and seconded by Member St.Angelo to approve the following probationary appearances:

Dodds, Gregory
Lawson, Mark
Long, Michael
Murr, Ruth Ann
Noffel, Muataz
Weaver, Daniel
Young, Samuel

MOTION CARRIED: 6-0-0 (Member Anderson was not present at the time of the vote)

- A motion was made by Member Wall and seconded by Member St.Angelo to approve the following probationary appearances:

Curry, Christopher
Flick, Julie
Jacobs, Tony P.
Kaczynski, Scott
King, Tina
Powell, Melanie
Price, Judy
Reynolds, Susan
Rodeman, Linda
Strunc, Jeremiah

MOTION CARRIED: 6-0-0 (Member Anderson was not present at the time of the vote)

- A motion was made by Member Williams and seconded by Member Wall to approve the following probationary appearances:

Chavarria, Gilbert
Chew, Barbara
Harter, Larry
MacLean, Thomas
Mittelkamp, Elaine
Moore, Teresa
Nair, Harish

MOTION CARRIED: 6-0-0 (Member Anderson was not present at the time of the vote)

- The following individuals did not show for their probationary appearances:

Adams, Bradley
Lanting, Emily
Rangel, Jennifer
Ratliff, Jana
Voight, Stephanie

V. PERSONAL APPEARANCES

A. Compliance Officer Reports

- Report from Compliance Officer Jennifer Baumgartner:

CO Baumgartner reported that it was a routine month in Northern Indiana and that she is tying up loose ends before she departs for her new job in Chicago with ACPE. She gave an update with respect to USP 797 compliance at several facilities she has been inspecting in the Elkhart/St. Joseph area. She also discussed several issues surrounding Remote Order Entry and the problems several facilities have had with finding pharmacists to staff the facility at all hours (arising out of her inspection at Progressive Hospital in Ft. Wayne). Before she leaves she will hand off the responsibilities for MCheck and the continued issues with EDIs.

- Report from Compliance Officer Tim Thomas:

CO Thomas commented on the fact that he is seeing similar violations at many of his inspections now that we are using MCheck. Those include proper credentialing of pharmacy technicians and pharmacies maintaining up-to-date and accurate power of attorneys for receipt and ordering of controls. He also noted that there are some minor issues involving floater pharmacists and their properly understanding the policies and procedures of each pharmacy they work at. CO Thomas continues to work on CSR inspections at Indiana University.

- Report from Compliance Officer Eric Pearcy:

CO Pearcy reported that it was a pretty routine month. At the next meeting, CO Pearcy will have prepared a report on EDIs and the various issues coming up in the field regarding e-prescribing and how they are showing up at the pharmacies in the wrong format. The problems appear to surround the failure of software vendors to provide compliant software solutions to physicians, hospitals, and practice groups. They are providing software that works at one end and not the other. Doctors believe they are purchasing a product that achieves compliance. He is being charged with developing a plan for how the Board might be able to regulate this in the future with the assistance of the Medical Licensing Board from an education perspective. This last month, CO Pearcy also oversaw the closing of the Rising Sun and Aurora pharmacies along with an independent pharmacy in New Albany.

- Report from Compliance Officer Zaneta Nunnally:

CO Nunnally said she also had a routine month and continues to work CSR inspections with CO Thomas. Additionally, she has received calls and performed early inspections of the Wellfount Pharmacy, which wishes to start utilizing a central fill component with its business model using an automated dispensing machine that provides unit dose packaging. CO Nunnally will put together a written compliance plan in conjunction with recommendations made by the Board following a personal appearance before the Board by the Company, a presentation at the facility to a Board member, and a review of their policies and procedures.

B. Joshua Wheat – Pharmacist Intern Renewal

Mr. Wheat appeared before the Board as a result of a positive response on his application for renewal of his pharmacist intern permit. Mr. Wheat was charged with a PI for underage drinking at a bar near Purdue University. He has no prior issues or convictions, and was given one year of unsupervised probation by the criminal courts. A motion was made by Member Cover and seconded by Member Williams to approve the renewal of his pharmacist intern permit. **Approved, Motion carried 6-0-0 (Member Anderson was not present at the time of the vote).**

C. Daniel Rushton – Pharmacy Technician Certification

Mr. Rushton was required to appear before the Board due to a positive response on his application for a pharmacy technician certification. Mr. Rushton was arrested for alleged possession of marijuana because it was found in apartment at which he attended a party. Everyone at the party was arrested by the cops. Formal charges have not been filed in this case and Mr. Rushton has no prior record. A motion was made by Member St. Angelo and seconded by Member Williams to approve his Tech-in-Training Permit, but also required him to submit paperwork evidencing the final outcome of his arrest and charges should that come to pass. **Approved, Motion carried 6-0-0 (Member Anderson was not present at the time of the vote).**

D. Shannon Rybolt – Pharmacy Technician Renewal

Ms. Rybolt was required to make an appearance before the Board because of a positive response on her application for renewal. In 2008, she was arrested for DUI and is currently in the process of completing her criminal probation and satisfying all her education requirements. Ms. Rybolt has been a technician since 2005 and has no prior record or convictions. Her employer is aware of her criminal matter, and Ms. Rybolt informed the Board that she will come off criminal probation in September of 2009. A motion was made by Member Cover and seconded by Member St. Angelo to put her pharmacy technician certification on probation for the period that it takes to complete her criminal probation; following which she will submit evidence of her completion to the Board, schedule a hearing in October, and have this probationary order rescinded. **Approved, Motion carried 6-0-0 (Member Anderson was not present at the time of the vote).**

E. BRQ Printing – Security pad Provider Application

BRQ Printing was required to make an appearance before the Board due to a positive response on their application to become a prescription security pad provider. Specifically, they have an employee convicted of the felony charge of assault. The employee has been there for 12 years and there have been no issues since he has been employed by the Company. Motion was made by Member Cover and seconded by Member Wall to approve the application of BRQ Printing. **Approved, Motion carried 6-0-0 (Member Anderson was not present at the time of the vote).**

VI. MISCELLANEOUS

- Board Director Report – Director Wickizer discussed the following topics currently under review by staff and other special projects that are in the pipeline:
 - Rulemaking: remote order entry, remote dispensing, 24 hour rule
 - Remote dispensing from Talyst
 - New Board Logos
 - New Directors Report – a by the numbers of the previous month's activity
 - Weekly team meetings with the compliance officers, licensing staff, and INSPECT staff
 - Development of a TipLine for use by INSPECT and Pharmacy in general
 - Issues surrounding e-prescribing and physician dispensing
 - Ongoing discussion with the Dept. of Health re: regional stockpiles of vaccines
 - Ongoing work with IHIC regarding availability of patient med-lists at the point of care
 - Remote access for Compliance Officers

- Frequency of Inspections – In lieu of the introduction of MCheck, and the time it takes inspectors to complete an inspection, the Board has determined that it shall be the policy of the Board that each pharmacy should expect to be randomly inspected at least once over the course of their two year license. It was determined that because a license is good for a period of two years, that it would be reasonable to expect that a facility should be subject to at least one inspection during that two year period (in addition to the required inspections required by law for change of locations, remodels, openings, and closings). However, this does not mean that a pharmacy might not be inspected again during that period. All pharmacies are subject to inspection at the request of the Board irrespective of whether they may have already been inspected during any given two year period.
- Continuing Education Rule Discussion – The Board discussed the issue of how best to make changes to the rule regarding continuing education for pharmacists and which kinds of programs to approve and in what kind of setting. It was determined that the Board would review this subject over the course of several working sessions, ultimately culminating in a rule change if appropriate. The Board would like to establish a working group representing the staff, the Board, and individuals from the two universities.

(*BOARD MEMBER ANDERSON JOINED THE MEETING AT 10:15 AM.)

(*THE BOARD RECOGNIZED A MOMENT OF SILENCE AT 11:07 AM FOR CARL ERDMANN WHO RECENTLY PASSED FROM CANCER. HIS PASSING LEAVES A LEGACY OF UNPARALLELED WORK AND DEDICATION IN ASSISTING RECOVERING PHARMACISTS TO BECOME PRODUCTIVE MEMBERS OF THE PROFESSION.)

VII. ADMINISTRATIVE HEARINGS

A. In the Matter of the Indiana Pharmacy License of Walgreen Co.	
License No.	60004447A
Administrative Cause No.	2007 IBP 0034
Regarding	Presentation of Settlement Agreement
Parties Present	Kathy Simmons, In-House Counsel for Walgreens All Walgreens QPs involved Appeared In Person
Counsel Present	Stacey Cook, Counsel for the Respondent Terry Richmond, Deputy Attorney General for the State of Indiana Morgan Burton, Deputy Attorney General for the State of Indiana
Participating Board Members	Del T. Fanning, R.Ph., President Lora N. R. Williams, JD, Vice President (<i>Consumer Member</i>) Steven Anderson, R.Ph., Member Sara St. Angelo, PharmD., R.Ph., Member Winnie Landis, R.Ph., Member Donna S. Wall, PharmD., R.Ph., Member
Witnesses for the Petitioner/Respondent	None
Witnesses for the State	None
Case Summary	The primary thrust of the settlement was to ensure that public safety and health was protected by working with the pharmacy and pharmacists to achieve compliance in maintaining patient confidentiality vis a vis HIPAA. The parties agreed that the pharmacy and pharmacists would implement relevant training protocols, security protocols, policies and procedures, and allow for Board verification and reporting.
Board Action	A motion was made by Member Angelo and seconded by Member Williams to approve the Settlement Agreement. Member Wall abstained from participating and signed a notice of participation for the OAG.
Vote	Motion Carried 5-0-1 (Member Wall abstained from voting due to

	participation in the Settlement Conference; Member Cover recused himself from participation due to conflicts of interest created by his employment with Walgreens)
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B. In the Matter of the Indiana Pharmacist License of Todd David Chappell

License No.	26018565A
Administrative Cause No.	2007 IBP 0035
Regarding	Presentation of Settlement Agreement
Parties Present	Kathy Simmons, In-House Counsel for Walgreens All Walgreens QPs involved Appeared In Person
Counsel Present	Stacey Cook, Counsel for the Respondent Terry Richmond, Deputy Attorney General for the State of Indiana Morgan Burton, Deputy Attorney General for the State of Indiana
Participating Board Members	Del T. Fanning, R.Ph., President Lora N. R. Williams, JD, Vice President (<i>Consumer Member</i>) Steven Anderson, R.Ph., Member Sara St. Angelo, PharmD., R.Ph., Member Winnie Landis, R.Ph., Member Donna S. Wall, PharmD., R.Ph., Member
Witnesses for the Petitioner/Respondent	None
Witnesses for the State	None
Case Summary	The primary thrust of the settlement was to ensure that public safety and health was protected by working with the pharmacy and pharmacists to achieve compliance in maintaining patient confidentiality vis a vis HIPAA. The parties agreed that the pharmacy and pharmacists would implement relevant training protocols, security protocols, policies and procedures, and allow for Board verification and reporting.
Board Action	A motion was made by Member Angelo and seconded by Member Williams to approve the Settlement Agreement. Member Wall abstained from participating and signed a notice of participation for the OAG.
Vote	Motion Carried 5-0-1 (Member Wall abstained from voting due to participation in the Settlement Conference; Member Cover recused himself from participation due to conflicts of interest created by his employment with Walgreens)

C. In the Matter of the Indiana Pharmacy License of Walgreen Co.

License No.	60004462A
Administrative Cause No.	2007 IBP 0036
Regarding	Presentation of Settlement Agreement
Parties Present	Kathy Simmons, In-House Counsel for Walgreens All Walgreens QPs involved Appeared In Person
Counsel Present	Stacey Cook, Counsel for the Respondent Terry Richmond, Deputy Attorney General for the State of Indiana Morgan Burton, Deputy Attorney General for the State of Indiana
Participating Board Members	Del T. Fanning, R.Ph., President Lora N. R. Williams, JD, Vice President (<i>Consumer Member</i>) Steven Anderson, R.Ph., Member Sara St. Angelo, PharmD., R.Ph., Member Winnie Landis, R.Ph., Member Donna S. Wall, PharmD., R.Ph., Member
Witnesses for the Petitioner/Respondent	None
Witnesses for the State	None
Case Summary	The primary thrust of the settlement was to ensure that public safety and health was protected by working with the pharmacy and pharmacists to achieve compliance in maintaining patient confidentiality vis a vis HIPAA.

	The parties agreed that the pharmacy and pharmacists would implement relevant training protocols, security protocols, policies and procedures, and allow for Board verification and reporting.
Board Action	A motion was made by Member Angelo and seconded by Member Williams to approve the Settlement Agreement. Member Wall abstained from participating and signed a notice of participation for the OAG.
Vote	Motion Carried 5-0-1 (Member Wall abstained from voting due to participation in the Settlement Conference; Member Cover recused himself from participation due to conflicts of interest created by his employment with Walgreens)

D. In the Matter of the Indiana Pharmacist License of Frank Cockman

License No.	26018073A
Administrative Cause No.	2007 IBP 0037
Regarding	Presentation of Settlement Agreement
Parties Present	Kathy Simmons, In-House Counsel for Walgreens All Walgreens QPs involved Appeared In Person
Counsel Present	Stacey Cook, Counsel for the Respondent Terry Richmond, Deputy Attorney General for the State of Indiana Morgan Burton, Deputy Attorney General for the State of Indiana
Participating Board Members	Del T. Fanning, R.Ph., President Lora N. R. Williams, JD, Vice President (<i>Consumer Member</i>) Steven Anderson, R.Ph., Member Sara St. Angelo, PharmD., R.Ph., Member Winnie Landis, R.Ph., Member Donna S. Wall, PharmD., R.Ph., Member
Witnesses for the Petitioner/Respondent	None
Witnesses for the State	None
Case Summary	The primary thrust of the settlement was to ensure that public safety and health was protected by working with the pharmacy and pharmacists to achieve compliance in maintaining patient confidentiality vis a vis HIPAA. The parties agreed that the pharmacy and pharmacists would implement relevant training protocols, security protocols, policies and procedures, and allow for Board verification and reporting.
Board Action	A motion was made by Member Angelo and seconded by Member Williams to approve the Settlement Agreement. Member Wall abstained from participating and signed a notice of participation for the OAG.
Vote	Motion Carried 5-0-1 (Member Wall abstained from voting due to participation in the Settlement Conference; Member Cover recused himself from participation due to conflicts of interest created by his employment with Walgreens)

E. In the Matter of the Indiana Pharmacy License of Walgreen Co.

License No.	60004413A
Administrative Cause No.	2007 IBP 0038
Regarding	Presentation of Settlement Agreement
Parties Present	Kathy Simmons, In-House Counsel for Walgreens All Walgreens QPs involved Appeared In Person
Counsel Present	Stacey Cook, Counsel for the Respondent Terry Richmond, Deputy Attorney General for the State of Indiana Morgan Burton, Deputy Attorney General for the State of Indiana
Participating Board Members	Del T. Fanning, R.Ph., President Lora N. R. Williams, JD, Vice President (<i>Consumer Member</i>) Steven Anderson, R.Ph., Member Sara St. Angelo, PharmD., R.Ph., Member Winnie Landis, R.Ph., Member

	Donna S. Wall, PharmD., R.Ph., Member
Witnesses for the Petitioner/Respondent	None
Witnesses for the State	None
Case Summary	The primary thrust of the settlement was to ensure that public safety and health was protected by working with the pharmacy and pharmacists to achieve compliance in maintaining patient confidentiality vis a vis HIPAA. The parties agreed that the pharmacy and pharmacists would implement relevant training protocols, security protocols, policies and procedures, and allow for Board verification and reporting.
Board Action	A motion was made by Member Angelo and seconded by Member Williams to approve the Settlement Agreement. Member Wall abstained from participating and signed a notice of participation for the OAG.
Vote	Motion Carried 5-0-1 (Member Wall abstained from voting due to participation in the Settlement Conference; Member Cover recused himself from participation due to conflicts of interest created by his employment with Walgreens)

F. In the Matter of the Indiana Pharmacist License of John Steven Miller III

License No.	26021187A
Administrative Cause No.	2007 IBP 0039
Regarding	Presentation of Settlement Agreement
Parties Present	Kathy Simmons, In-House Counsel for Walgreens All Walgreens QPs involved Appeared In Person
Counsel Present	Stacey Cook, Counsel for the Respondent Terry Richmond, Deputy Attorney General for the State of Indiana Morgan Burton, Deputy Attorney General for the State of Indiana
Participating Board Members	Del T. Fanning, R.Ph., President Lora N. R. Williams, JD, Vice President (<i>Consumer Member</i>) Steven Anderson, R.Ph., Member Sara St. Angelo, PharmD., R.Ph., Member Winnie Landis, R.Ph., Member Donna S. Wall, PharmD., R.Ph., Member
Witnesses for the Petitioner/Respondent	None
Witnesses for the State	None
Case Summary	The primary thrust of the settlement was to ensure that public safety and health was protected by working with the pharmacy and pharmacists to achieve compliance in maintaining patient confidentiality vis a vis HIPAA. The parties agreed that the pharmacy and pharmacists would implement relevant training protocols, security protocols, policies and procedures, and allow for Board verification and reporting.
Board Action	A motion was made by Member Angelo and seconded by Member Williams to approve the Settlement Agreement. Member Wall abstained from participating and signed a notice of participation for the OAG.
Vote	Motion Carried 5-0-1 (Member Wall abstained from voting due to participation in the Settlement Conference; Member Cover recused himself from participation due to conflicts of interest created by his employment with Walgreens)

G. In the Matter of the Indiana Pharmacy License of Walgreen Co.

License No.	60004410A
Administrative Cause No.	2007 IBP 0046
Regarding	Presentation of Settlement Agreement
Parties Present	Kathy Simmons, In-House Counsel for Walgreens All Walgreens QPs involved Appeared In Person
Counsel Present	Stacey Cook, Counsel for the Respondent

	Terry Richmond, Deputy Attorney General for the State of Indiana Morgan Burton, Deputy Attorney General for the State of Indiana
Participating Board Members	Del T. Fanning, R.Ph., President Lora N. R. Williams, JD, Vice President (<i>Consumer Member</i>) Steven Anderson, R.Ph., Member Sara St. Angelo, PharmD., R.Ph., Member Winnie Landis, R.Ph., Member Donna S. Wall, PharmD., R.Ph., Member
Witnesses for the Petitioner/Respondent	None
Witnesses for the State	None
Case Summary	The primary thrust of the settlement was to ensure that public safety and health was protected by working with the pharmacy and pharmacists to achieve compliance in maintaining patient confidentiality vis a vis HIPAA. The parties agreed that the pharmacy and pharmacists would implement relevant training protocols, security protocols, policies and procedures, and allow for Board verification and reporting.
Board Action	A motion was made by Member Angelo and seconded by Member Williams to approve the Settlement Agreement. Member Wall abstained from participating and signed a notice of participation for the OAG.
Vote	Motion Carried 5-0-1 (Member Wall abstained from voting due to participation in the Settlement Conference; Member Cover recused himself from participation due to conflicts of interest created by his employment with Walgreens)

H. In the Matter of the Indiana Pharmacist License of Troy Michael Martin

License No.	26018565A
Administrative Cause No.	2007 IBP 0047
Regarding	Presentation of Settlement Agreement
Parties Present	Kathy Simmons, In-House Counsel for Walgreens All Walgreens QPs involved Appeared In Person
Counsel Present	Stacey Cook, Counsel for the Respondent Terry Richmond, Deputy Attorney General for the State of Indiana Morgan Burton, Deputy Attorney General for the State of Indiana
Participating Board Members	Del T. Fanning, R.Ph., President Lora N. R. Williams, JD, Vice President (<i>Consumer Member</i>) Steven Anderson, R.Ph., Member Sara St. Angelo, PharmD., R.Ph., Member Winnie Landis, R.Ph., Member Donna S. Wall, PharmD., R.Ph., Member
Witnesses for the Petitioner/Respondent	None
Witnesses for the State	None
Case Summary	The primary thrust of the settlement was to ensure that public safety and health was protected by working with the pharmacy and pharmacists to achieve compliance in maintaining patient confidentiality vis a vis HIPAA. The parties agreed that the pharmacy and pharmacists would implement relevant training protocols, security protocols, policies and procedures, and allow for Board verification and reporting.
Board Action	A motion was made by Member Angelo and seconded by Member Williams to approve the Settlement Agreement. Member Wall abstained from participating and signed a notice of participation for the OAG.
Vote	Motion Carried 5-0-1 (Member Wall abstained from voting due to participation in the Settlement Conference; Member Cover recused himself from participation due to conflicts of interest created by his employment with Walgreens)

I. In the Matter of the Indiana Pharmacy License of Walgreen Co.

License No.	60004385A
Administrative Cause No.	2007 IBP 0052
Regarding	Presentation of Settlement Agreement
Parties Present	Kathy Simmons, In-House Counsel for Walgreens All Walgreens QPs involved Appeared In Person
Counsel Present	Stacey Cook, Counsel for the Respondent Terry Richmond, Deputy Attorney General for the State of Indiana Morgan Burton, Deputy Attorney General for the State of Indiana
Participating Board Members	Del T. Fanning, R.Ph., President Lora N. R. Williams, JD, Vice President (<i>Consumer Member</i>) Steven Anderson, R.Ph., Member Sara St. Angelo, PharmD., R.Ph., Member Winnie Landis, R.Ph., Member Donna S. Wall, PharmD., R.Ph., Member
Witnesses for the Petitioner/Respondent	None
Witnesses for the State	None
Case Summary	The primary thrust of the settlement was to ensure that public safety and health was protected by working with the pharmacy and pharmacists to achieve compliance in maintaining patient confidentiality vis a vis HIPAA. The parties agreed that the pharmacy and pharmacists would implement relevant training protocols, security protocols, policies and procedures, and allow for Board verification and reporting.
Board Action	A motion was made by Member Angelo and seconded by Member Williams to approve the Settlement Agreement. Member Wall abstained from participating and signed a notice of participation for the OAG.
Vote	Motion Carried 5-0-1 (Member Wall abstained from voting due to participation in the Settlement Conference; Member Cover recused himself from participation due to conflicts of interest created by his employment with Walgreens)

J. In the Matter of the Indiana Pharmacist License of Steven Weileman	
License No.	26016427A
Administrative Cause No.	2007 IBP 0053
Regarding	Presentation of Settlement Agreement
Parties Present	Kathy Simmons, In-House Counsel for Walgreens All Walgreens QPs involved Appeared In Person
Counsel Present	Stacey Cook, Counsel for the Respondent Terry Richmond, Deputy Attorney General for the State of Indiana Morgan Burton, Deputy Attorney General for the State of Indiana
Participating Board Members	Del T. Fanning, R.Ph., President Lora N. R. Williams, JD, Vice President (<i>Consumer Member</i>) Steven Anderson, R.Ph., Member Sara St. Angelo, PharmD., R.Ph., Member Winnie Landis, R.Ph., Member Donna S. Wall, PharmD., R.Ph., Member
Witnesses for the Petitioner/Respondent	None
Witnesses for the State	None
Case Summary	The primary thrust of the settlement was to ensure that public safety and health was protected by working with the pharmacy and pharmacists to achieve compliance in maintaining patient confidentiality vis a vis HIPAA. The parties agreed that the pharmacy and pharmacists would implement relevant training protocols, security protocols, policies and procedures, and allow for Board verification and reporting.
Board Action	A motion was made by Member Angelo and seconded by Member Williams to approve the Settlement Agreement. Member Wall abstained from participating and signed a notice of participation for the OAG.

Vote	Motion Carried 5-0-1 (Member Wall abstained from voting due to participation in the Settlement Conference; Member Cover recused himself from participation due to conflicts of interest created by his employment with Walgreens)
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K. In the Matter of the Indiana Pharmacy License of Walgreen Co.

License No.	60004083A
Administrative Cause No.	2007 IBP 0058
Regarding	Presentation of Settlement Agreement
Parties Present	Kathy Simmons, In-House Counsel for Walgreens All Walgreens QPs involved Appeared In Person
Counsel Present	Stacey Cook, Counsel for the Respondent Terry Richmond, Deputy Attorney General for the State of Indiana Morgan Burton, Deputy Attorney General for the State of Indiana
Participating Board Members	Del T. Fanning, R.Ph., President Lora N. R. Williams, JD, Vice President (<i>Consumer Member</i>) Steven Anderson, R.Ph., Member Sara St. Angelo, PharmD., R.Ph., Member Winnie Landis, R.Ph., Member Donna S. Wall, PharmD., R.Ph., Member
Witnesses for the Petitioner/Respondent	None
Witnesses for the State	None
Case Summary	The primary thrust of the settlement was to ensure that public safety and health was protected by working with the pharmacy and pharmacists to achieve compliance in maintaining patient confidentiality vis a vis HIPAA. The parties agreed that the pharmacy and pharmacists would implement relevant training protocols, security protocols, policies and procedures, and allow for Board verification and reporting.
Board Action	A motion was made by Member Angelo and seconded by Member Williams to approve the Settlement Agreement. Member Wall abstained from participating and signed a notice of participation for the OAG.
Vote	Motion Carried 5-0-1 (Member Wall abstained from voting due to participation in the Settlement Conference; Member Cover recused himself from participation due to conflicts of interest created by his employment with Walgreens)

L. In the Matter of the Indiana Pharmacist License of Curtis A. Stratman

License No.	26015247A
Administrative Cause No.	2007 IBP 0059
Regarding	Presentation of Settlement Agreement
Parties Present	Kathy Simmons, In-House Counsel for Walgreens All Walgreens QPs involved Appeared In Person
Counsel Present	Stacey Cook, Counsel for the Respondent Terry Richmond, Deputy Attorney General for the State of Indiana Morgan Burton, Deputy Attorney General for the State of Indiana
Participating Board Members	Del T. Fanning, R.Ph., President Lora N. R. Williams, JD, Vice President (<i>Consumer Member</i>) Steven Anderson, R.Ph., Member Sara St. Angelo, PharmD., R.Ph., Member Winnie Landis, R.Ph., Member Donna S. Wall, PharmD., R.Ph., Member
Witnesses for the Petitioner/Respondent	None
Witnesses for the State	None
Case Summary	The primary thrust of the settlement was to ensure that public safety and health was protected by working with the pharmacy and pharmacists to

	achieve compliance in maintaining patient confidentiality vis a vis HIPAA. The parties agreed that the pharmacy and pharmacists would implement relevant training protocols, security protocols, policies and procedures, and allow for Board verification and reporting.
Board Action	A motion was made by Member Angelo and seconded by Member Williams to approve the Settlement Agreement. Member Wall abstained from participating and signed a notice of participation for the OAG.
Vote	Motion Carried 5-0-1 (Member Wall abstained from voting due to participation in the Settlement Conference; Member Cover recused himself from participation due to conflicts of interest created by his employment with Walgreens)

M. In the Matter of the Indiana Pharmacy License of CVS Pharmacy #6557

License No.	60004589A
Administrative Cause No.	2007 IBP 0026
Regarding	Presentation of Settlement Agreement
Parties Present	Ray Far for CVS
Counsel Present	Mike McMains, Counsel for the Respondent Terry Richmond, Deputy Attorney General for the State of Indiana Christa Jewsbury, Deputy Attorney General for the State of Indiana
Participating Board Members	Lora N. R. Williams, JD, Vice President (<i>Consumer Member</i>) Steven Anderson, R.Ph., Member William J. Cover, R.Ph., Member Sara St. Angelo, PharmD., R.Ph., Member Donna S. Wall, PharmD., R.Ph., Member
Witnesses for the Petitioner/Respondent	None
Witnesses for the State	None
Case Summary	The primary thrust of the settlement was to ensure that public safety and health was protected by working with the pharmacy and pharmacists to achieve compliance in maintaining patient confidentiality vis a vis HIPAA. The parties agreed that the pharmacy and pharmacists would implement relevant training protocols, security protocols, policies and procedures, and allow for Board verification and reporting.
Board Action	A motion was made by Member Angelo and seconded by Member Cover to approve the Settlement Agreement. Member Wall abstained from participating and signed a notice of participation for the OAG.
Vote	Motion Carried 4-0-1 (Member Wall abstained from voting due to participation in the Settlement Conference; Members Fanning and Landis recused themselves from participation due to conflicts of interest created by their employment with CVS)

N. In the Matter of the Indiana Pharmacy License of CVS Pharmacy #6594

License No.	60004762A
Administrative Cause No.	2007 IBP 0028
Regarding	Presentation of Settlement Agreement
Parties Present	Ray Far for CVS
Counsel Present	Mike McMains, Counsel for the Respondent Terry Richmond, Deputy Attorney General for the State of Indiana Christa Jewsbury, Deputy Attorney General for the State of Indiana
Participating Board Members	Lora N. R. Williams, JD, Vice President (<i>Consumer Member</i>) Steven Anderson, R.Ph., Member William J. Cover, R.Ph., Member Sara St. Angelo, PharmD., R.Ph., Member Donna S. Wall, PharmD., R.Ph., Member
Witnesses for the Petitioner/Respondent	None

Witnesses for the State	None
Case Summary	The primary thrust of the settlement was to ensure that public safety and health was protected by working with the pharmacy and pharmacists to achieve compliance in maintaining patient confidentiality vis a vis HIPAA. The parties agreed that the pharmacy and pharmacists would implement relevant training protocols, security protocols, policies and procedures, and allow for Board verification and reporting.
Board Action	A motion was made by Member Angelo and seconded by Member Cover to approve the Settlement Agreement. Member Wall abstained from participating and signed a notice of participation for the OAG.
Vote	Motion Carried 4-0-1 (Member Wall abstained from voting due to participation in the Settlement Conference; Members Fanning and Landis recused themselves from participation due to conflicts of interest created by their employment with CVS)

O. In the Matter of the Indiana Pharmacy License of CVS Pharmacy #6580

License No.	60004574A
Administrative Cause No.	2007 IBP 0030
Regarding	Presentation of Settlement Agreement
Parties Present	Ray Far for CVS
Counsel Present	Mike McMains, Counsel for the Respondent Terry Richmond, Deputy Attorney General for the State of Indiana Christa Jewsbury, Deputy Attorney General for the State of Indiana
Participating Board Members	Lora N. R. Williams, JD, Vice President (<i>Consumer Member</i>) Steven Anderson, R.Ph., Member William J. Cover, R.Ph., Member Sara St. Angelo, PharmD., R.Ph., Member Donna S. Wall, PharmD., R.Ph., Member
Witnesses for the Petitioner/Respondent	None
Witnesses for the State	None
Case Summary	The primary thrust of the settlement was to ensure that public safety and health was protected by working with the pharmacy and pharmacists to achieve compliance in maintaining patient confidentiality vis a vis HIPAA. The parties agreed that the pharmacy and pharmacists would implement relevant training protocols, security protocols, policies and procedures, and allow for Board verification and reporting.
Board Action	A motion was made by Member Angelo and seconded by Member Cover to approve the Settlement Agreement. Member Wall abstained from participating and signed a notice of participation for the OAG.
Vote	Motion Carried 4-0-1 (Member Wall abstained from voting due to participation in the Settlement Conference; Members Fanning and Landis recused themselves from participation due to conflicts of interest created by their employment with CVS)

P. In the Matter of the Indiana Pharmacy License of CVS Pharmacy #6583

License No.	60004679A
Administrative Cause No.	2007 IBP 0032
Regarding	Presentation of Settlement Agreement
Parties Present	Ray Far for CVS
Counsel Present	Mike McMains, Counsel for the Respondent Terry Richmond, Deputy Attorney General for the State of Indiana Christa Jewsbury, Deputy Attorney General for the State of Indiana
Participating Board Members	Lora N. R. Williams, JD, Vice President (<i>Consumer Member</i>) Steven Anderson, R.Ph., Member William J. Cover, R.Ph., Member Sara St. Angelo, PharmD., R.Ph., Member

	Donna S. Wall, PharmD., R.Ph., Member
Witnesses for the Petitioner/Respondent	None
Witnesses for the State	None
Case Summary	The primary thrust of the settlement was to ensure that public safety and health was protected by working with the pharmacy and pharmacists to achieve compliance in maintaining patient confidentiality vis a vis HIPAA. The parties agreed that the pharmacy and pharmacists would implement relevant training protocols, security protocols, policies and procedures, and allow for Board verification and reporting.
Board Action	A motion was made by Member Angelo and seconded by Member Cover to approve the Settlement Agreement. Member Wall abstained from participating and signed a notice of participation for the OAG.
Vote	Motion Carried 4-0-1 (Member Wall abstained from voting due to participation in the Settlement Conference; Members Fanning and Landis recused themselves from participation due to conflicts of interest created by their employment with CVS)

Q. In the Matter of the Indiana Pharmacy License of Hook SuperRx, LLC, dba CVS Pharmacy #7791

License No.	60004983A
Administrative Cause No.	2007 IBP 0040
Regarding	Presentation of Settlement Agreement
Parties Present	Ray Far for CVS
Counsel Present	Mike McMains, Counsel for the Respondent Terry Richmond, Deputy Attorney General for the State of Indiana Christa Jewsbury, Deputy Attorney General for the State of Indiana
Participating Board Members	Lora N. R. Williams, JD, Vice President (<i>Consumer Member</i>) Steven Anderson, R.Ph., Member William J. Cover, R.Ph., Member Sara St. Angelo, PharmD., R.Ph., Member Donna S. Wall, PharmD., R.Ph., Member
Witnesses for the Petitioner/Respondent	None
Witnesses for the State	None
Case Summary	The primary thrust of the settlement was to ensure that public safety and health was protected by working with the pharmacy and pharmacists to achieve compliance in maintaining patient confidentiality vis a vis HIPAA. The parties agreed that the pharmacy and pharmacists would implement relevant training protocols, security protocols, policies and procedures, and allow for Board verification and reporting.
Board Action	A motion was made by Member Angelo and seconded by Member Cover to approve the Settlement Agreement. Member Wall abstained from participating and signed a notice of participation for the OAG.
Vote	Motion Carried 4-0-1 (Member Wall abstained from voting due to participation in the Settlement Conference; Members Fanning and Landis recused themselves from participation due to conflicts of interest created by their employment with CVS)

R. In the Matter of the Indiana Pharmacy License of CVS Pharmacy #4982

License No.	60005698A
Administrative Cause No.	2007 IBP 0043
Regarding	Presentation of Settlement Agreement
Parties Present	Ray Far for CVS
Counsel Present	Mike McMains, Counsel for the Respondent Terry Richmond, Deputy Attorney General for the State of Indiana Christa Jewsbury, Deputy Attorney General for the State of Indiana
Participating Board	Lora N. R. Williams, JD, Vice President (<i>Consumer Member</i>)

Members	Steven Anderson, R.Ph., Member William J. Cover, R.Ph., Member Sara St. Angelo, PharmD., R.Ph., Member Donna S. Wall, PharmD., R.Ph., Member
Witnesses for the Petitioner/Respondent	None
Witnesses for the State	None
Case Summary	The primary thrust of the settlement was to ensure that public safety and health was protected by working with the pharmacy and pharmacists to achieve compliance in maintaining patient confidentiality vis a vis HIPAA. The parties agreed that the pharmacy and pharmacists would implement relevant training protocols, security protocols, policies and procedures, and allow for Board verification and reporting.
Board Action	A motion was made by Member Angelo and seconded by Member Cover to approve the Settlement Agreement. Member Wall abstained from participating and signed a notice of participation for the OAG.
Vote	Motion Carried 4-0-1 (Member Wall abstained from voting due to participation in the Settlement Conference; Members Fanning and Landis recused themselves from participation due to conflicts of interest created by their employment with CVS)

S. In the Matter of the Indiana Pharmacy License of Hook SuperRx, LLC, dba CVS Pharmacy #6605	
License No.	60004744A
Administrative Cause No.	2007 IBP 0044
Regarding	Presentation of Settlement Agreement
Parties Present	Ray Far for CVS
Counsel Present	Mike McMains, Counsel for the Respondent Terry Richmond, Deputy Attorney General for the State of Indiana Christa Jewsbury, Deputy Attorney General for the State of Indiana
Participating Board Members	Lora N. R. Williams, JD, Vice President (<i>Consumer Member</i>) Steven Anderson, R.Ph., Member William J. Cover, R.Ph., Member Sara St. Angelo, PharmD., R.Ph., Member Donna S. Wall, PharmD., R.Ph., Member
Witnesses for the Petitioner/Respondent	None
Witnesses for the State	None
Case Summary	The primary thrust of the settlement was to ensure that public safety and health was protected by working with the pharmacy and pharmacists to achieve compliance in maintaining patient confidentiality vis a vis HIPAA. The parties agreed that the pharmacy and pharmacists would implement relevant training protocols, security protocols, policies and procedures, and allow for Board verification and reporting.
Board Action	A motion was made by Member Angelo and seconded by Member Cover to approve the Settlement Agreement. Member Wall abstained from participating and signed a notice of participation for the OAG.
Vote	Motion Carried 4-0-1 (Member Wall abstained from voting due to participation in the Settlement Conference; Members Fanning and Landis recused themselves from participation due to conflicts of interest created by their employment with CVS)

T. In the Matter of the Indiana Pharmacy License of Hook SuperRx, LLC, dba CVS Pharmacy #8674	
License No.	60005223A
Administrative Cause No.	2007 IBP 0060
Regarding	Presentation of Settlement Agreement
Parties Present	Ray Far for CVS
Counsel Present	Mike McMains, Counsel for the Respondent

	Terry Richmond, Deputy Attorney General for the State of Indiana Christa Jewsbury, Deputy Attorney General for the State of Indiana
Participating Board Members	Lora N. R. Williams, JD, Vice President (<i>Consumer Member</i>) Steven Anderson, R.Ph., Member William J. Cover, R.Ph., Member Sara St. Angelo, PharmD., R.Ph., Member Donna S. Wall, PharmD., R.Ph., Member
Witnesses for the Petitioner/Respondent	None
Witnesses for the State	None
Case Summary	The primary thrust of the settlement was to ensure that public safety and health was protected by working with the pharmacy and pharmacists to achieve compliance in maintaining patient confidentiality vis a vis HIPAA. The parties agreed that the pharmacy and pharmacists would implement relevant training protocols, security protocols, policies and procedures, and allow for Board verification and reporting.
Board Action	A motion was made by Member Angelo and seconded by Member Cover to approve the Settlement Agreement. Member Wall abstained from participating and signed a notice of participation for the OAG.
Vote	Motion Carried 4-0-1 (Member Wall abstained from voting due to participation in the Settlement Conference; Members Fanning and Landis recused themselves from participation due to conflicts of interest created by their employment with CVS)

U. In the Matter of the Indiana Pharmacy License of Hook SuperRx, LLC, dba CVS Pharmacy #8682

License No.	60005302A
Administrative Cause No.	2007 IBP 0062
Regarding	Presentation of Settlement Agreement
Parties Present	Ray Far for CVS
Counsel Present	Mike McMains, Counsel for the Respondent Terry Richmond, Deputy Attorney General for the State of Indiana Christa Jewsbury, Deputy Attorney General for the State of Indiana
Participating Board Members	Lora N. R. Williams, JD, Vice President (<i>Consumer Member</i>) Steven Anderson, R.Ph., Member William J. Cover, R.Ph., Member Sara St. Angelo, PharmD., R.Ph., Member Donna S. Wall, PharmD., R.Ph., Member
Witnesses for the Petitioner/Respondent	None
Witnesses for the State	None
Case Summary	The primary thrust of the settlement was to ensure that public safety and health was protected by working with the pharmacy and pharmacists to achieve compliance in maintaining patient confidentiality vis a vis HIPAA. The parties agreed that the pharmacy and pharmacists would implement relevant training protocols, security protocols, policies and procedures, and allow for Board verification and reporting.
Board Action	A motion was made by Member Angelo and seconded by Member Cover to approve the Settlement Agreement. Member Wall abstained from participating and signed a notice of participation for the OAG.
Vote	Motion Carried 4-0-1 (Member Wall abstained from voting due to participation in the Settlement Conference; Members Fanning and Landis recused themselves from participation due to conflicts of interest created by their employment with CVS)

V. In the Matter of the Indiana Pharmacy License of CVS Pharmacy #6254

License No.	60004549A
Administrative Cause No.	2007 IBP 0064

Regarding	Presentation of Settlement Agreement
Parties Present	Ray Far for CVS
Counsel Present	Mike McMains, Counsel for the Respondent Terry Richmond, Deputy Attorney General for the State of Indiana Christa Jewsbury, Deputy Attorney General for the State of Indiana
Participating Board Members	Lora N. R. Williams, JD, Vice President (<i>Consumer Member</i>) Steven Anderson, R.Ph., Member William J. Cover, R.Ph., Member Sara St. Angelo, PharmD., R.Ph., Member Donna S. Wall, PharmD., R.Ph., Member
Witnesses for the Petitioner/Respondent	None
Witnesses for the State	None
Case Summary	The primary thrust of the settlement was to ensure that public safety and health was protected by working with the pharmacy and pharmacists to achieve compliance in maintaining patient confidentiality vis a vis HIPAA. The parties agreed that the pharmacy and pharmacists would implement relevant training protocols, security protocols, policies and procedures, and allow for Board verification and reporting.
Board Action	A motion was made by Member Angelo and seconded by Member Cover to approve the Settlement Agreement. Member Wall abstained from participating and signed a notice of participation for the OAG.
Vote	Motion Carried 4-0-1 (Member Wall abstained from voting due to participation in the Settlement Conference; Members Fanning and Landis recused themselves from participation due to conflicts of interest created by their employment with CVS)

W. In the Matter of the Indiana Pharmacist License of James Sedam

License No.	26021735A
Administrative Cause No.	2007 IBP 0068
Regarding	Final Hearing
Parties Present	James Sedam
Counsel Present	Respondent appeared without Counsel Christa Jewsbury, Deputy Attorney General for the State of Indiana
Participating Board Members	Del T. Fanning, R.Ph., President Lora N. R. Williams, JD, Vice President (<i>Consumer Member</i>) Steven Anderson, R.Ph., Member William J. Cover, R.Ph., Member Winnie Landis, R.Ph., Member Sara St. Angelo, PharmD., R.Ph., Member Donna S. Wall, PharmD., R.Ph., Member
Witnesses for the Petitioner/Respondent	Richard Schmitt, PRN
Witnesses for the State	None
Case Summary	The original case involved alleged drug diversion and the offer of a voluntary suspension by the Respondent. Today the parties presented a settlement agreement which reinstates the respondent's license but places it on probation. Respondent will be required under the agreement to enter into and maintain a contract with PRN.
Board Action	A motion was made by Member Williams and seconded by Member Wall to enter a notice of proposed default.
Vote	Motion Carried 6-1-0 (Member Anderson voted nay)

X. In the Matter of the Indiana Pharmacist License of Barney Dotson

License No.	26014491A
Administrative Cause No.	2007 IBP 0010
Regarding	Final Hearing

Parties Present	Respondent did not appear in person
Counsel Present	Respondent's counsel did not appear in person Mark Mader, Deputy Attorney General for the State of Indiana
Participating Board Members	Del T. Fanning, R.Ph., President Lora N. R. Williams, JD, Vice President (<i>Consumer Member</i>) Steven Anderson, R.Ph., Member William J. Cover, R.Ph., Member Winnie Landis, R.Ph., Member Sara St. Angelo, PharmD., R.Ph., Member Donna S. Wall, PharmD., R.Ph., Member
Witnesses for the Petitioner/Respondent	None
Witnesses for the State	None
Case Summary	The Respondent was not present and the State presented an agreement that was mutually agreed upon. This case involves out of state discipline. Respondent was disciplined in the State of Ohio for a DUI and diversion. Our settlement agreement mirrors the agreement for the State of Ohio. Before Respondent is allowed to apply for reinstatement in Indiana, his Ohio license must be free and clear.
Board Action	A motion was made by Member Wall and seconded by Member Cover to approve and accept the proposed settlement agreement.
Vote	Motion Carried <u>7-0-0</u>

Y. In the Matter of the Indiana Pharmacist License of Harish Nair

License No.	26022699A
Administrative Cause No.	2008 IBP 0004
Regarding	Petition to Modify Probation
Parties Present	Harish Nair
Counsel Present	Petitioner was not represented by Counsel Christa Jewsbury, Deputy Attorney General for the State of Indiana
Participating Board Members	Del T. Fanning, R.Ph., President Lora N. R. Williams, JD, Vice President (<i>Consumer Member</i>) Steven Anderson, R.Ph., Member William J. Cover, R.Ph., Member Winnie Landis, R.Ph., Member Sara St. Angelo, PharmD., R.Ph., Member Donna S. Wall, PharmD., R.Ph., Member
Witnesses for the Petitioner/Respondent	Richard Schmitt (PRN)
Witnesses for the State	None
Case Summary	Petitioner requested that the Board modify his probation to allow him to work 50 hours a week and 12 hour shifts. Petitioner was originally on probation and required to maintain a PRN contract because of substance and alcohol abuse problem. He has been successfully sober since 2006 and PRN supports his petition to increase his work hours. The State made no objection to the modification.
Board Action	A motion was made by Member Cover and seconded by Member St. Angelo to approve the petition to modify probation.
Vote	Motion Carried <u>7-0-0</u>

Z. In the Matter of the Indiana Pharmacist License of David Koszut

License No.	26016830A
Administrative Cause No.	2004 IBP 0010
Regarding	Petition to Withdraw Probation
Parties Present	David Koszut
Counsel Present	Petitioner appeared without Counsel Christa Jewsbury, Deputy Attorney General for the State of Indiana

Participating Board Members	Del T. Fanning, R.Ph., President Lora N. R. Williams, JD, Vice President (<i>Consumer Member</i>) Steven Anderson, R.Ph., Member William J. Cover, R.Ph., Member Winnie Landis, R.Ph., Member Sara St. Angelo, PharmD., R.Ph., Member Donna S. Wall, PharmD., R.Ph., Member
Witnesses for the Petitioner/Respondent	Rick Schmitt (PRN)
Witnesses for the State	None
Case Summary	Petitioner requested that the Board withdraw the probation status from his license. Mr. Koszut was originally charged with diversion and his license was initially suspended and later placed on probation once he entered into a contract with PRN. Petitioner has shown that he has successfully completed all the requirements of his PRN contract and probation order. The State made no objection to withdraw probation.
Board Action	A motion was made by Member Williams and seconded by Member Landis to approve the petition to withdraw probation.
Vote	Motion Carried <u>7-0-0</u>

AA. In the Matter of the Indiana Pharmacist License of Deidra Potts

License No.	26022020A
Administrative Cause No.	2008 IBP 0022
Regarding	Petition to Withdraw Probation
Parties Present	Deidra Potts
Counsel Present	Petitioner appeared without Counsel Christa Jewsbury, Deputy Attorney General for the State of Indiana
Participating Board Members	Del T. Fanning, R.Ph., President Lora N. R. Williams, JD, Vice President (<i>Consumer Member</i>) Steven Anderson, R.Ph., Member William J. Cover, R.Ph., Member Winnie Landis, R.Ph., Member Sara St. Angelo, PharmD., R.Ph., Member Donna S. Wall, PharmD., R.Ph., Member
Witnesses for the Petitioner/Respondent	None
Witnesses for the State	None
Case Summary	Petitioner was originally placed on probation because of a positive response on her application due to an OWI. She was placed on probation by the criminal courts and the Board's probation order mirrored the Court's order and required her to keep her employer informed of her status. Prior to the Board's lifting the probationary status placed on her license she was also required to satisfactorily complete the probationary terms placed on her by the criminal court. Petitioner's testimony and evidence reflected that she has satisfied all the terms of her probation and the State made no objections.
Board Action	A motion was made by Member Williams and seconded by Member Anderson to approve the petition to withdraw probation.
Vote	Motion Carried <u>7-0-0</u>

BB. In the Matter of the Indiana Pharmacist License of Ronald Maze

License No.	26014358A
Administrative Cause No.	2004 IBP 0016
Regarding	Petition to Withdraw Probation
Parties Present	Ronald Maze
Counsel Present	Petitioner appeared without Counsel Christa Jewsbury, Deputy Attorney General for the State of Indiana

Participating Board Members	Del T. Fanning, R.Ph., President Lora N. R. Williams, JD, Vice President (<i>Consumer Member</i>) Steven Anderson, R.Ph., Member William J. Cover, R.Ph., Member Winnie Landis, R.Ph., Member Sara St. Angelo, PharmD., R.Ph., Member Donna S. Wall, PharmD., R.Ph., Member
Witnesses for the Petitioner/Respondent	Rick Schmitt (PRN)
Witnesses for the State	None
Case Summary	Petitioner's license was placed on probation in 2003 for diversion and substance abuse. He currently works as an independent contractor that floats between multiple pharmacies (he had owned his own pharmacy for awhile and operated under another qualifying pharmacist). Of late, he has encountered difficulties in obtaining practice insurance due to his encumbered license. In addition to satisfactorily completing all the terms of his 5 year PRN contract and all of the terms of his probation order, Petitioner needs to have the probation status removed in order to obtain insurance to remain employed. State made no objection to removing probation and waived closing.
Board Action	A motion was made by Member St.Angelo and seconded by Member Anderson to approve the motion to withdraw probation.
Vote	Motion Carried <u>7-0-0</u>

CC. In the Matter of the Indiana Pharmacist License of Ruth Murr

License No.	26017080A
Administrative Cause No.	2003 IBP 0022
Regarding	Petition to Withdraw Probation
Parties Present	Ruth Murr
Counsel Present	Steven Johnsonbaugh, Counsel for Petitioner Mark Mader, Deputy Attorney General for the State of Indiana
Participating Board Members	Del T. Fanning, R.Ph., President Lora N. R. Williams, JD, Vice President (<i>Consumer Member</i>) Steven Anderson, R.Ph., Member William J. Cover, R.Ph., Member Winnie Landis, R.Ph., Member Sara St. Angelo, PharmD., R.Ph., Member Donna S. Wall, PharmD., R.Ph., Member
Witnesses for the Petitioner/Respondent	Rick Schmitt (PRN)
Witnesses for the State	None
Case Summary	This case originally involved a charge of public intoxication from 2003 which resulted in a 5 year PRN contract and probation of her license. She successfully completed her PRN contract and satisfied all the terms of her probation. She is currently sober and in recovery. During the course of her recovery, Petitioner voluntarily put herself into a treatment center after her arrest and other convictions. She has satisfied her criminal probation and has no relapses since 2003. The State made no objection to the removal of probation.
Board Action	A motion was made by Member Landis and seconded by Member St.Angelo to approve the petition to withdraw probation.
Vote	Motion Carried <u>7-0-0</u>

DD. In the Matter of the Indiana Pharmacist License of Donn Olson

License No.	26013161A
Administrative Cause No.	2007 IBP 0009
Regarding	Petition to Set-Aside Entry of Default

Parties Present	Donn Olson
Counsel Present	Steven Johnsonbaugh, Counsel for the Respondent Heather Kennedy, Deputy Attorney General for the State of Indiana
Participating Board Members	Del T. Fanning, R.Ph., President Lora N. R. Williams, JD, Vice President (<i>Consumer Member</i>) Steven Anderson, R.Ph., Member William J. Cover, R.Ph., Member Winnie Landis, R.Ph., Member Sara St. Angelo, PharmD., R.Ph., Member Donna S. Wall, PharmD., R.Ph., Member
Witnesses for the Petitioner/Respondent	None
Witnesses for the State	None
Case Summary	This was a case involving out of state discipline for the Respondent in Michigan. At the last meeting, the Board chooses not to proceed until Respondent was able to determine when and what action the Board of Pharmacy in Michigan was going to take with respect to his license and discipline. Accordingly, at this meeting and with that information, Respondent has entered into a settlement agreement with the State of Indiana, and his Indiana license will be put on indefinite probation. The Agreement will mirror the Agreement he enters into with the Michigan Board. Prior to lifting his probation, Respondent must show that his Michigan license is free and clear.
Board Action	A motion was made by Member Wall and seconded by Member St.Angelo to set-aside the entry of default and approve the Settlement Agreement as submitted by the Parties.
Vote	Motion Carried 4-2-1 (Member Williams abstained from voting after participating in the Settlement Conference; Members Anderson and Landis voted nay)

EE. In the Matter of the Indiana Home Medical Equipment License Application of Home Health Depot, Inc.	
License No.	69000391A
Administrative Cause No.	2008 IBP 0065
Regarding	Petition to Withdraw Probation
Parties Present	David Hartley for Home Health Depot, Inc.
Counsel Present	Petitioner appeared without Counsel Christa Jewsbury, Deputy Attorney General for the State of Indiana
Participating Board Members	Del T. Fanning, R.Ph., President Lora N. R. Williams, JD, Vice President (<i>Consumer Member</i>) Steven Anderson, R.Ph., Member William J. Cover, R.Ph., Member Winnie Landis, R.Ph., Member Sara St. Angelo, PharmD., R.Ph., Member Donna S. Wall, PharmD., R.Ph., Member
Witnesses for the Petitioner/Respondent	None
Witnesses for the State	None
Case Summary	Petitioner was on probation because they were operating without licenses at several of their locations. The primary issue was ensuring that they were properly licensed in Indiana to do business as a home medical equipment provider. Compliance Officer Thomas performed an inspection of the licensees facilities to ensure compliance the State made no objection to the withdraw of probation.
Board Action	A motion was made by Member Cover and seconded by Member Anderson to approve the petition to withdraw probation.
Vote	Motion Carried 7-0-0

FF. In the Matter of the Indiana Intern Registration Renewal Application of Candace Dewees	
License No.	45015162A
Administrative Cause No.	2008 IBP 0030
Regarding	Petition to Withdraw Probation
Parties Present	Candace Dewess
Counsel Present	Petitioner appeared without Counsel Christa Jewsbury, Deputy Attorney General for the State of Indiana
Participating Board Members	Del T. Fanning, R.Ph., President Lora N. R. Williams, JD, Vice President (<i>Consumer Member</i>) Steven Anderson, R.Ph., Member William J. Cover, R.Ph., Member Winnie Landis, R.Ph., Member Sara St. Angelo, PharmD., R.Ph., Member Donna S. Wall, PharmD., R.Ph., Member
Witnesses for the Petitioner/Respondent	None
Witnesses for the State	None
Case Summary	
Board Action	A motion was made by Member Anderson and seconded by Member Williams to approve the petition to withdraw probation.
Vote	Motion Carried <u>7-0-0</u>

GG. In the Matter of the Indiana Pharmacy Technician Certification Application of Monica Petty	
License No.	67007922A
Administrative Cause No.	2008 IBP 0036
Regarding	Petition to Withdraw Probation
Parties Present	Monica Petty
Counsel Present	Petitioner appeared without counsel Christa Jewsbury, Deputy Attorney General for the State of Indiana
Participating Board Members	Del T. Fanning, R.Ph., President Lora N. R. Williams, JD, Vice President (<i>Consumer Member</i>) Steven Anderson, R.Ph., Member William J. Cover, R.Ph., Member Winnie Landis, R.Ph., Member Sara St. Angelo, PharmD., R.Ph., Member Donna S. Wall, PharmD., R.Ph., Member
Witnesses for the Petitioner/Respondent	None
Witnesses for the State	None
Case Summary	Petitioner was arrested in April of 2008 for OWI and had a positive response on her application. The Board then placed her on indefinite probation, pending the outcome of her criminal matter and completion of probation for the criminal offense. Petitioner came off probation in May 2009 and subsequently made this petition to withdraw probation from her pharmacy technician certification.
Board Action	A motion was made by Member Wall and seconded by Member Landis to approve the petition to withdraw probation.
Vote	Motion Carried <u>7-0-0</u>

HH. In the Matter of the Indiana Pharmacy Technician Certification of Shaun Ray	
License No.	67011985A
Administrative Cause No.	2008 IBP 0018
Regarding	Extension of Summary Suspension
Parties Present	Respondent did not appear
Counsel Present	Respondent appeared without Counsel Mark Mader, Deputy Attorney General for the State of Indiana

Participating Board Members	Del T. Fanning, R.Ph., President Lora N. R. Williams, JD, Vice President (<i>Consumer Member</i>) Steven Anderson, R.Ph., Member William J. Cover, R.Ph., Member Winnie Landis, R.Ph., Member Sara St. Angelo, PharmD., R.Ph., Member Donna S. Wall, PharmD., R.Ph., Member
Witnesses for the Petitioner/Respondent	None
Witnesses for the State	None
Case Summary	The State of Indiana provided evidence to support their request for an extension of the summary suspension of Shaun Ray's pharmacy technician certification.
Board Action	A motion was made by Member Wall and seconded by Member St.Angelo to approve the extension of summary suspension.
Vote	Motion Carried 6-0-1 (Member Cover abstained from voting)

II. In the Matter of the Indiana Pharmacy Technician Certification of Kimberly Burge

License No.	67008955A
Administrative Cause No.	2009 IBP 0032
Regarding	Final Hearing
Parties Present	Respondent did not appear
Counsel Present	Respondent appeared without Counsel Mark Mader, Deputy Attorney General for the State of Indiana
Participating Board Members	Del T. Fanning, R.Ph., President Lora N. R. Williams, JD, Vice President (<i>Consumer Member</i>) Steven Anderson, R.Ph., Member William J. Cover, R.Ph., Member Winnie Landis, R.Ph., Member Sara St. Angelo, PharmD., R.Ph., Member Donna S. Wall, PharmD., R.Ph., Member
Witnesses for the Petitioner/Respondent	None
Witnesses for the State	None
Case Summary	The State moved for a Notice of Proposed Default after presenting the case and because of the Respondents failure to appear.
Board Action	A motion was made by Member Williams and seconded by Member Wall to enter a notice of proposed default.
Vote	Motion Carried 6-0-1 (Member Cover abstained from voting)

JJ. In the Matter of the Indiana Pharmacy Technician Certification of Alan Holt

License No.	67013341A
Administrative Cause No.	2009 IBP 0026
Regarding	Final Hearing
Parties Present	Respondent did not appear
Counsel Present	Respondent appeared without Counsel Mark Mader, Deputy Attorney General for the State of Indiana
Participating Board Members	Del T. Fanning, R.Ph., President Lora N. R. Williams, JD, Vice President (<i>Consumer Member</i>) Steven Anderson, R.Ph., Member William J. Cover, R.Ph., Member Winnie Landis, R.Ph., Member Sara St. Angelo, PharmD., R.Ph., Member Donna S. Wall, PharmD., R.Ph., Member
Witnesses for the Petitioner/Respondent	None

Witnesses for the State	None
Case Summary	The State moved for a Notice of Proposed Default after presenting the case and because of the Respondents failure to appear.
Board Action	A motion was made by Member Williams and seconded by Member St.Angelo to enter a notice of proposed default.
Vote	Motion Carried 6-0-1 (Member Cover abstained from voting)

KK. In the Matter of the Indiana Pharmacy Technician Certification of Andrea Burkman

License No.	67009686A
Administrative Cause No.	2009 IBP 0024
Regarding	Final Hearing
Parties Present	Respondent did not appear
Counsel Present	Respondent appeared without Counsel Mark Mader, Deputy Attorney General for the State of Indiana
Participating Board Members	Del T. Fanning, R.Ph., President Lora N. R. Williams, JD, Vice President (<i>Consumer Member</i>) Steven Anderson, R.Ph., Member William J. Cover, R.Ph., Member Winnie Landis, R.Ph., Member Sara St. Angelo, PharmD., R.Ph., Member Donna S. Wall, PharmD., R.Ph., Member
Witnesses for the Petitioner/Respondent	None
Witnesses for the State	None
Case Summary	The State moved for a Notice of Proposed Default after presenting the case and because of the Respondents failure to appear.
Board Action	A motion was made by Member Wall and seconded by Member Landis to enter a notice of proposed default.
Vote	Motion Carried 6-0-1 (Member Cover abstained from voting)

LL. In the Matter of the Indiana Pharmacy Technician in Training Permit of Heather Compton

License No.	99028803A
Administrative Cause No.	2009 IBP 0025
Regarding	Final Hearing
Parties Present	Respondent did not appear
Counsel Present	Respondent appeared without Counsel Mark Mader, Deputy Attorney General for the State of Indiana
Participating Board Members	Del T. Fanning, R.Ph., President Lora N. R. Williams, JD, Vice President (<i>Consumer Member</i>) Steven Anderson, R.Ph., Member William J. Cover, R.Ph., Member Winnie Landis, R.Ph., Member Sara St. Angelo, PharmD., R.Ph., Member Donna S. Wall, PharmD., R.Ph., Member
Witnesses for the Petitioner/Respondent	None
Witnesses for the State	None
Case Summary	The State moved for a Notice of Proposed Default after presenting the case and because of the Respondents failure to appear.
Board Action	A motion was made by Member St.Angelo and seconded by Member Landis to enter a notice of proposed default.
Vote	Motion Carried 6-0-1 (Member Cover abstained from voting)

MM. In the Matter of the Indiana Pharmacy Technician Certification Renewal of Kristina Stewart

License No.	67012626A
Administrative Cause No.	2008 IBP 0021

Regarding	Order to Show Cause
Parties Present	Respondent did not appear
Counsel Present	Respondent appeared without Counsel Mark Mader, Deputy Attorney General for the State of Indiana
Participating Board Members	Del T. Fanning, R.Ph., President Lora N. R. Williams, JD, Vice President (<i>Consumer Member</i>) Steven Anderson, R.Ph., Member William J. Cover, R.Ph., Member Winnie Landis, R.Ph., Member Sara St. Angelo, PharmD., R.Ph., Member Donna S. Wall, PharmD., R.Ph., Member
Witnesses for the Petitioner/Respondent	None
Witnesses for the State	None
Case Summary	The State moved for a Notice of Proposed Default after presenting the case and because of the Respondents failure to appear.
Board Action	A motion was made by Member St.Angelo and seconded by Member Williams to enter a notice of proposed default and to approve a summary suspension of Kristina Stewart's pharmacy technician certification.
Vote	Motion Carried 6-0-1 (Member Cover abstained from voting)

NN. In the Matter of the Indiana Pharmacy Technician Certification of Britney Palmer

License No.	67014582A
Administrative Cause No.	2008 IBP 0057
Regarding	Petition for Summary Suspension
Parties Present	Respondent did not appear
Counsel Present	Respondent appeared without Counsel Mark Mader, Deputy Attorney General for the State of Indiana
Participating Board Members	Del T. Fanning, R.Ph., President Lora N. R. Williams, JD, Vice President (<i>Consumer Member</i>) Steven Anderson, R.Ph., Member William J. Cover, R.Ph., Member Winnie Landis, R.Ph., Member Sara St. Angelo, PharmD., R.Ph., Member Donna S. Wall, PharmD., R.Ph., Member
Witnesses for the Petitioner/Respondent	None
Witnesses for the State	None
Case Summary	The State submitted evidence that the Respondent was guilty of diversion of Hydrocodone and that she was an immediate threat to public health and safety. State requested an immediate suspension of Respondent's pharmacy technician certification.
Board Action	A motion was made by Member Wall and seconded by Member St.Angelo to approve the petition for summary suspension.
Vote	Motion Carried 6-0-1 (Member Cover abstained from voting)

OO. In the Matter of the Indiana Pharmacist License of Randall Eckley

License No.	26012732A
Administrative Cause No.	2009 IBP 0033
Regarding	Petition for Summary Suspension
Parties Present	Randall Eckley
Counsel Present	Respondent appeared without Counsel Mark Mader, Deputy Attorney General for the State of Indiana
Participating Board Members	Del T. Fanning, R.Ph., President Lora N. R. Williams, JD, Vice President (<i>Consumer Member</i>) Steven Anderson, R.Ph., Member William J. Cover, R.Ph., Member

	Winnie Landis, R.Ph., Member Sara St. Angelo, PharmD., R.Ph., Member Donna S. Wall, PharmD., R.Ph., Member
Witnesses for the Petitioner/Respondent	None
Witnesses for the State	None
Case Summary	State requested a summary suspension for 90 days and submitted evidence that Respondent was guilty of diversion from his employer. Respondent readily admitted to these allegations. Evidence was presented showing that Respondent was entering into an agreement with PRN. Respondent was previously before the Board 15 years ago and on probation for alcohol abuse. Respondent admits to diverting Midrin and for failing to attend AA.
Board Action	A motion was made by Member Wall and seconded by Member St.Angelo to approve the petition for summary suspension.
Vote	Motion Carried 6-0-1 (Member Cover abstained from voting)

PP. In the Matter of the Indiana Pharmacy Technician Certification of Jennifer Rangel	
License No.	67006023A
Administrative Cause No.	2008 IBP 0064
Regarding	Default Hearing
Parties Present	Respondent did not appear
Counsel Present	Respondent appeared without Counsel Mark Mader, Deputy Attorney General for the State of Indiana
Participating Board Members	Del T. Fanning, R.Ph., President Lora N. R. Williams, JD, Vice President (<i>Consumer Member</i>) Steven Anderson, R.Ph., Member William J. Cover, R.Ph., Member Winnie Landis, R.Ph., Member Sara St. Angelo, PharmD., R.Ph., Member Donna S. Wall, PharmD., R.Ph., Member
Witnesses for the Petitioner/Respondent	None
Witnesses for the State	None
Case Summary	There has been no contact with the Respondent and she has failed to appear on all counts. The default was entered for failure to follow the terms of her probation, and the positive response on her renewal application. State first moved for a summary suspension and then for a Notice of Proposed Default before bringing this action today.
Board Action	A motion was made by Member St.Angelo and seconded by Member Williams to revoke Respondent's pharmacy technician certification.
Vote	Motion Carried 6-0-1 (Member Cover abstained from voting)

VIII. APPLICATIONS

A. Pharmacist Applications

- i. Jennifer Gilmour – Renewal of License (Expired 06/30/1994)

A motion was made by Member Wall and seconded by Member St. Angelo to accept the application and renewal of the license upon successful completion of the MPJE.
Motion Carried 6-0-1 (Member Landis abstained from voting on this matter).

- ii. Sylvan Cohen – License Transfer

The Board requested that the applicant make a personal appearance before the Board. Motion was made by Member Wall and seconded by Member St. Angelo. **Motion Carried 7-0-0.**

iii. Jesse Krusling - Examination

The Applicant has a criminal history and went to prison for various offenses in the 1990s, and has just recently finished pharmacy school. After reviewing the file, it appears that the Applicant would be safe to admit into the practice of pharmacy. The Board requested that the applicant make a personal appearance before the Board. Motion was made by Member Wall and seconded by Member St. Angelo. **Motion Carried 7-0-0.**

iv. Teresa Calamas – Examination

A motion was made by Member Wall and seconded by Member St. Angelo to approve the applicant's request to be eligible to take the examination. **Motion Carried 7-0-0.**

B. Pharmacy Technician Applications

i. Kristyn Scales – Positive Response on Application

A motion was made by Member Williams and seconded by Member Anderson to accept the application and renewal of the certification. **Motion Carried 7-0-1.**

C. Continuing Education Applications

The following applications for approval of Continuing Education Programs were presented and approved:

- o Emily Duryee for 1 credit hour
- o St. Joseph County Pharmacy Association for 1 credit hour
- o Christine Soedel for 1 credit hour
- o Sarah Williamson for .5 credit hours
- o Meredith Harper for .5 credit hours

Motion was made by Member Williams and seconded by Member Landis to approve the applications. **Motion Carried 7-0-0.**

D. Non-Resident Pharmacy Applications

1. Meds for Vets - Motion made by Member St. Angelo and seconded by Member Wall to approve application. **Motion Carried 7-0-0.**

E. Wholesale Drug Distributor Applications

1. Smiths Medical ASD, Inc. – Motion was made by Member St. Angelo and seconded by Member Williams to approve the application pending verification of VAWD accreditation by NABP. **Motion Carried 7-0-0.**

IX. OLD/NEW BUSINESS

- A. CE Audit Review:** The Board and staff audited approximately 89 files. There were 8 exceptions in the file. Member Cover presented the results to the Board, and Assistant Director Phillip's notes and files regarding the Audit Review are hereby incorporated into the minutes for this meeting.

X. FINAL NOTES AND ADJOURNMENT

The Board requested that the following be invited to make a presentation and appearance before the Board over the course of the next several meetings:

- Pharmacists Recovery Network (PRN)
- Dr. Hinchman (Medical Review Officer for PRN)
- Deans from both Butler and Purdue University Schools of Pharmacy
- The makers of MethCheck

The Board also decided to use the dates previously scheduled for the CVS and Walgreens hearings to instead have sub-committee hearings and working sessions on several rulemaking subjects, including the following:

- Continuing Education
- Electronic Transfer of Prescriptions
- Remote Order Entry

The Board also discussed that in the future they are interested in pursuing a discussion of perpetual audits for retail pharmacies, similar to what is done in institutional pharmacies.

The meeting adjourned at 5:00 p.m.

Del T. Fanning, R.Ph., President
Indiana Board of Pharmacy

Date

Next Scheduled Meeting:

Monday, August 10, 2009
Indiana Government Center South
Room W064 of the Indiana Professional Licensing Agency